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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,282	08/27/2003	Guo Liu	SMBZ 2 01002	5488

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EXAMINER

THOMPSON, CAMIE S

ART UNIT PAPER NUMBER

1774

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,282

Applicant(s)

LIU ET AL.

Examiner

Camie S. Thompson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed July 17, 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 6-44 is/are pending in the application.
- 4a) Of the above claim(s) 32-41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-30 and 42-44 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment and accompanying remarks filed July 17, 2006 are acknowledged.
2. Examiner acknowledges amended claims 1 and 10-20.
3. Examiner acknowledges cancelled claims 4 and 5.
4. The rejection of claims 11-20 under 35 U.S.C. 112, second paragraph is overcome by applicant's amendment.
5. The rejection of claims 1 and 3-4 under 35 U.S.C. 102 (b) as being unpatentable over Justus et al., U.S. Patent Number 5,656,815 is overcome by applicant's amendment.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 6-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6 and 7 are rendered indefinite because the claims are dependent upon cancelled claim 5.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hase et al., U.S. Patent Number 4,874,985.

Hase discloses a sulfide phosphor represented by the formula of $(\text{Zn}_{1-x}\text{Cd}_x)\text{S}:\text{eM}^{\text{I}}, \text{fM}^{\text{III}}, \text{gX}'$ wherein M is at least one of copper and cadmium and M^{III} is at least one of gallium and indium and X' is at least one of chlorine, bromine, iodine, fluorine and aluminum and x can be 0 and e can be 10^{-8} to .01. The reference does disclose that at least one activator can be replaced by europium (see column 5, lines 3-20 and column 23, lines 1-2). Examples 8-12 of the reference disclose that the grain size of the phosphor is about 9 microns.

10. Claims 21-31 and 42-44 are allowed. The prior art does not provide for a thick film dielectric electroluminescent device comprising:

- a thin phosphor layer of formula $\text{ZnS}:\text{Re}$, wherein said phosphor layer has a crystal grain size of up to about 50 nm and Re is selected from terbium and europium; and
- a structure and/or substance to minimize or prevent reaction of the fine grained phosphor with oxygen, wherein said structure or substance comprises one or more of;
 - i) interface modifying layers on one or both sides of the phosphor film to improve the stability of the interface between the phosphor and the rest of the device;
 - ii) a hermetic enclosure for the electroluminescent device; and
 - iii) an oxygen getter incorporated into the device.

Additionally, the prior art does not provide for a thick film dielectric electroluminescent device comprising:

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A 0.5 to 1.0 μm thick phosphor layer of formula ZnS:Re , wherein said phosphor layer has a sphalerite crystal structure with a crystal grain size of up to about 50 nm and Re is selected from terbium or europium; and

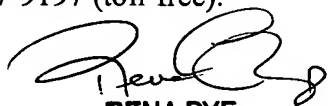
i) interface modifying layers on one or both sides of the phosphor film to improve the stability of the interface between the phosphor film and the rest of the device, wherein said interface modifying layers are comprised of pure zinc sulfide or silicon nitride.

Response to Arguments

11. Applicant's arguments with respect to the instant claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L Dye, can be reached at (571) 272-3186. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 9/29/09